

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JULIE DELANEY, et al.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 05-CV-10241 (MLW)

**DEFENDANT ELI LILLY AND COMPANY'S  
LOCAL RULE 16.5(C) PRETRIAL DISCLOSURES**

Defendant Eli Lilly and Company ("Lilly") hereby submits its Fed. R. Civ. P. 26(a)(3) pretrial disclosures in accordance with Local Rule 16.5(C):

**A. WITNESSES**

1. A. Brian Little, M.D.  
*State of the Art/ Efficacy*  
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2. Eugene D. Albrecht, Ph.D.  
*Reproductive Endocrinologist on Efficacy*  
Department of Obstetrics and Reproductive Systems  
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655 West Baltimore Street  
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3. Richard E. Blackwell, Ph.D., M.D.  
*Reproductive Endocrinologist on Causation*  
Professor of Obstetrics and Gynecology  
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4. Karin E. Michels, Sc.D.  
*Epidemiology*  
Assistant Professor of Obstetrics, Gynecology and Reproductive Biology  
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Obstetrics and Gynecology Epidemiology Center  
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Defendant reserves the right to call any witnesses identified by Plaintiff, and/or any witnesses not identified to present rebuttal testimony.

**B. EXHIBITS**

Defendant expects to offer the following exhibits in evidence at trial:

1. Excerpt from Eli Lilly and Company's 1947 Supplemental New Drug Application for Diethylstilbestrol submitted to the Food and Drug Administration ("FDA") – Form FD-356, dated April 23, 1947;
2. Excerpt from Eli Lilly and Company's 1947 Supplemental New Drug Application for Diethylstilbestrol submitted to the Food and Drug Administration – Letter from Eli Lilly and Company to the FDA, dated April 23, 1947;
3. Excerpt from Eli Lilly and Company's 1947 Supplemental New Drug Application for Diethylstilbestrol submitted to the Food and Drug Administration – Letter from Dr. Ernest Q. King to Eli Lilly and Company and Dr. W.J. Rice, dated September 16, 1947;
4. Eli Lilly and Company Product Literature for Diethylstilbestrol for 1969 and 1970;
5. Letter from United States Food and Drug Administration, November 21, 1952, to Eli Lilly and Company (stating that Diethylstilbestrol in approved uses "no longer a new drug");
6. Letter from United States Food and Drug Administration to Blue Line Chemical Company, May 15, 1951 (stating that diethylstilbestrol not a "new drug");
7. Excerpts from the American Druggist Blue Book and the Drug Topics Redbook for the relevant years, 1969 and 1970;

8. Selected Medical Records of Quincy Medical Center re: Julie Delaney (08/03 - 08/07/70);
9. Selected Medical Records of Eugene Tyrrell, M.D. re: Julie Delaney (12/09/86 - 10/27/00);
10. Selected Medical Records of Quincy Family Planning re: Julie Delaney (07/25 - 10/10/89);
11. Selected Medical Records of Deborah Wooten, M.D. re: Julie Delaney (08/29/94 - 08/14/02);
12. Selected Medical Records of South Shore Hospital re: Julie Delaney (11/11/01 - 05/15/03);
13. Selected Medical Records of South Shore Women's Health re: Julie Delaney (04/26/02 - 01/03/03);
14. Selected Medical Records of Brigham & Women's Hospital re: Julie Delaney (01/02/03 - 05/16/03); and
15. Selected Medical Records of Boston Health Care for Women (Rafik Mansour, M.D.) re: Julie Delaney (01/03 - 01/16/03).

Defendant may offer the following exhibits in evidence at trial:

1. Excerpt from Eli Lilly and Company's 1941 New Drug Application for Diethylstilbestrol submitted to the Food and Drug Administration – Letter from Dr. Hunter Kennedy to Eli Lilly and Company and Dr. W.J. Rice, dated October 27, 1941;
2. NDA 1-221, 1-222 -- Toxicology Report of Drs. Chen and Harris;
3. Lilly Brochure, "Diethylstilbestrol," December 1961 (AD-0321, reprinted);
4. Excerpt from the National Academy of Sciences/National Research Counsel evaluation of diethylstilbestrol by the "Disturbance of the Reproductive System" panel regarding accidents of pregnancy, transmitted by FDA to Lilly under cover letter of October 6, 1971;
5. NDA 684 - Memorandum of Interview - Dr. E.M.K. Geiling and Dr. Ernest Q. King (FDA) - November 2, 1940;

6. NDA 684 - Memorandum of Interview - Dr. Rothman and Dr. Ernest Q. King (FDA) November 2, 1940;
7. NDA 684 - Memorandum of Interview - Dr. M. Edward Davis and Dr. Ernest Q. King (FDA) - November 1, 1940;
8. NDA 684 - Memorandum of Interview - Drs. A.C. Ivy and R. Greene and Dr. Ernest Q. King (FDA) - November 1, 1940; and
9. NDA 684 - Memorandum of Interview - Dr. L.P. Greenhill and Dr. Ernest Q. King (FDA).

Respectfully submitted,

ELI LILLY AND COMPANY

By its attorneys,

/s/ Brian L. Henninger

James J. Dillon (BBO # 124660)

Brian L. Henninger (BBO # 657926)

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Dated: May 3, 2006